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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Application of:

Peter Armstrong, et al.

Serial Number: 10/559,399

Filed: December 5, 2005

Title: MAGNETIC SEPARATOR
APPARATUS

Attorney Docket: DC - 5067US

) Group Art Unit:

) Examiner:

) Petition and Letter

) January 3, 2006

Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

This letter and petition is being submitted because of the fact that one inventor in this application cannot be located and therefore, has not signed the power of attorney and Declaration.

The Commissioner is authorized to charge Deposit Charge Account 13-2492 the sum of \$130.00 for the petition fee under 37 CFR §1.17(h).

The applicant requests the Commissioner to accept this petition in lieu of the original signed documents for Mr. Dobney.

Respectfully submitted,

Robert L. McKellar
Robert L. McKellar
Reg. No. 26,002
(989) 631-4551



PETITION

NOW COMES THE UNDERSIGNED and states that:

1. the inventors of the invention disclosed and claimed in U.S. Patent application serial number 10/559,399, filed on December 5, 2005 are Peter David Armstrong, a British citizen, Jonathan Ashley Brinson, a citizen of the United States, Stephen John Dobney, a citizen of Wales, United Kingdom, Steven Fawell, a citizen of Wales, United Kingdom, Paul Genner, a citizen of Wales, United Kingdom, Frank Edward Perrin, a citizen of Wales, United Kingdom, and David William Snodgrass, a citizen of the United States;
2. the inventors collaboratively filed a provisional patent application in the United States on June 9, 2003 as serial number 60/476,978, a PCT patent application in the United States receiving office on June 8, 2004 as PCT/US2004/018074, in which all of the inventors signed the formal papers for the PCT application and the assignments for the invention and the patent applications to Dow Corning Corporation and Eriez Magnetics Europe Limited;
3. the inventors filed a 35 USC 371 patent application in the United States on December 5, 2005, claiming priority from the above-identified patent applications;
4. all of the inventors have signed powers of attorney and declarations for the 35 USC §371 filing except Stephen John Dobney;
5. the invention and all patent applications filed therefrom are co-owned by the Dow Corning Corporation, a U.S. corporation and Eriez Magnetics Europe Limited, a United Kingdom corporation;
6. the inventor Stephen John Dobney is a recent retiree from Eriez Magnetics Europe Limited;
7. Eriez Magnetics Europe Limited management has tried unsuccessfully in several attempts, using a diligent effort, to contact Mr. Dobney in order to obtain the required signatures for the patent application;

8. the fact of such attempts is evidenced by a copy of a letter on Eriez stationery signed by Mr. Paul Fears, Sales Director of Eriez stating that such attempts were made;
9. Eriez has not been able to obtain such signatures;
10. the last known address for Mr. Dobney is 27 Grange Park St. Arvans, Gwent, Chepstow, Wales, United Kingdom, NP166EA;
11. the other inventors hereby petition the Commissioner to add Mr. Dobney to the list of co-inventors for this application;
12. the fee for this petition has been authorized by the undersigned in a separate letter covering this petition.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert L. McKellar". The signature is written in a cursive, flowing style.

Robert L. McKellar
Agent for the Inventors
Reg. No. 26,002
(989) 631-4551



Ref DC

25 November 2005



Mr Frank Perrin
Dow Corning Limited
Cardiff Road
Barry
Vale of Glamorgan
CF63 2YL

Dear Frank

Please find enclosed the signed documents for the filing of the US patent.

As discussed, Steve Dobney retired from Eriez at the end of 2004. Although we have tried to contact him by telephone and email (please refer to the attached) we have been unsuccessful.

We trust this will be acceptable.

Yours sincerely
for **ERIEZ MAGNETICS EUROPE LTD**

Paul Fears
Sales Director

Encs

**Eriez Magnetics
Europe Limited**
Manufacturing, Design
and Laboratory Facility.

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On: January 3, 2006

Signature

Molly Leins

Typed or printed name of person signing Certificate

989-631-4551

Registration Number, if applicable

Telephone Number

For USSN 10/559,399 in the name of Armstrong, et al, entitled: MAGNETIC SEPARATOR APPARATUS, coverletter, 2pg. petition and letter, authorization to charge deposit account 13-2492 the sum of \$130 for the petition fee, return receipt postcard.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.